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LYNCHING AND RACE RELATIONS IN THE SOUTH

BY THOMAS WALKER PAGE

It appears to have grown customary to take the yearly number of lynchings as barometric readings of race relations in the South. A rise from sixty to seventy in these wild outbursts of violence is taken to show increasing cloudiness; a fall to fifty would show "clearing, with light variable winds." But in spite of its general use this pseudo statistical device is of very uncertain value. For it is doubtful whether the actual number of lynchings has ever been ascertained, and whatever the number, not all the victims have been negroes. Furthermore, when it is known or suspected that race antagonism exists, it is so easy to attribute mob violence to that alone that other promotive conditions have been ignored. Yet it seems to be these other conditions in a very great number of cases, and not race prejudice, that explain the frequency of lynching in the South.

A brutal crime growing out of malice, envy, lust, or degeneracy has much the same effect on the mind of men in all parts of the world. Men have it in common with cattle to be wildly stirred at sight of blood and conflagration, a sort of shuddering horror begets a hysteric wish to trample and gore. This trait of human nature is elemental and universal. It is also destructive and terrifying, and in their sober hours men know the need of guarding against it. Therefore, organized in society they create agencies not only to prevent crimes by individuals but also to control themselves when moved to mob and riot. In populous, well organized regions there are usually men enough and wealth enough to provide for keeping the peace under nearly all conditions. Primitive frontier settlements, on the other hand, and widely

scattered rural communities find organization and maintenance always difficult and sometimes impossible. Between these extremes are many grades of civic development, and in each grade the attempt is made with the means available to adjust the protective agencies as closely as possible to normal local conditions. But in all grades they sometimes prove too weak for sudden and great emergencies.

Now, in most parts of the rural South the agencies for physical protection and control have the appearance of an outworn survival. The average county, the unit of local government, extends for many miles in all directions, and communication within its borders is frequently hampered by swamps, deep rivers or mountain barriers. The sheriff is sometimes a day's journey distant from a spot where his presence is suddenly required. Even the magisterial districts, into which the county is divided, usually cover many miles of territory. Thus in a typical county embracing some five hundred square miles the sheriff, some three or four magistrates and as many constables constitute the whole establishment for enforcing order and keeping the peace. Of these the sheriff alone is supposed to give more than a small fraction of his time to official duties. His alone is a salaried position; the others receive small fees for their occasional services, and the emoluments of office are regarded merely as extra earnings, they do not suffice for a livelihood. The dignity once attached to the position of justice of the peace has long since departed. Election as magistrate or constable carries no appreciable prestige; and in an office lacking both honor and income it is seldom that men of force and training can be induced to serve.

It is obvious that such an establishment exists only to "vindicate the majesty of the law" *after* it has been insulted. Its purpose is to arrest offenders and bring them to punishment when the offense is an accomplished fact. It is practically helpless to prevent felonious acts, to guard and protect the peaceful, to police the roads, to keep under surveillance turbulent or suspicious characters. Its function is to punish and not to prevent crime. In the discharge even of this function it moves slowly with cumbrous and creaking machinery, affording to the criminal abundant warning of its intentions and opportunity for escape. It is a deterrent only to those evildoers with whom the fear of a more or less remote punishment outweighs the temptation to

break the law. As a means of controlling tumultuous outbreaks and group movements it is utterly futile.

The question naturally arises, why should the old and civilized Southern communities content themselves with so weak an establishment for protection and control? The answer is that for centuries it proved sufficient for their needs. Far back, indeed, into Saxon England its main features may be traced, and the early colonists received it as an ancient and cherished inheritance. Tradition, use, sentiment, and inertia all have helped to preserve it, but in England itself and in most parts of this country it has been strengthened and modified so as to adjust it to altered needs. It is because the needs of the rural South until recently have not so greatly changed that it is still retained there in almost primitive simplicity.

More than anywhere else in America the Southern white people are homogeneous. This means not only a common race, but also, in the great essentials, common beliefs, common convictions of right and wrong, a general agreement on the standards of conduct and behavior proper to each state of life to which it pleases God to call one, a general acceptance of the rights of person and property, mutual trust and regard, and general conformity to established usages. With such a people public opinion has an overwhelming strength—*vox populi vox Dei*—and it is to this rather than to physical agencies that society has looked for both protection and control. It affords protection, because the individual before defying it must break the strongest influence that has surrounded him from birth, and outraging it is analogous to blaspheming God. It affords control, because it stands for law and order; it is conservative, very definite and very steady. It is the Atlas that supports the sky and protects humanity from falling heavens. Jefferson's observation of it in his day explains his theory of government, a theory based on trust in the people rather than in any artificial agency for physical control. That theory still persists, although with waning strength, among the homogeneous white people of the South, and public opinion is still the giant trusted to support the social firmament.

In those regions developed under Anglo-Saxon institutions where public opinion has become uncertain or divided, government agencies have been substituted for it. Many things acting singly or together may account for the change. The

immigration of large numbers with new customs and opinions, an economic growth that splits the population into classes with different interests and motives, intellectual movements that annihilate old ideals and beliefs while new ones are still vague or find limited acceptance—these are among the things that in the more populous and progressive sections of Anglo-Saxondom have made necessary the creation of physical agencies. Until recently the rural South has been slightly affected by them, and the survival of old conditions accounts for the retention of old institutions; the continuance of homogeneity, economic simplicity and intellectual conservatism saved the controlling strength of an undivided public opinion.

Without discussing here the relation of law and opinion it may be admitted that submission to public opinion is very much like obedience to law. To say then that an orderly public opinion has in the main effectively controlled the people of the South is to say that they are essentially law abiding and peaceful. Probably such a statement will be received with incredulity. And yet it is strictly true, however strongly it contrasts with the popular conception of the typical " Southerner."

It is true that within the boundaries of what is called the South there are regions, restricted but notorious, where lawlessness has prevailed; where if there was a public opinion it did not stand for peace and order; where Highland clanishness, Corsican vindictiveness, distorted notions of personal liberty combined to nullify moral as well as physical agencies of control. In a sense these regions are the last " frontier " of this country. They were occupied some four or five generations ago by men whose only title to the land was known as " rifle " right. In subsequent years isolation has arrested their development, conditions have continued primitive, and " rifle right " to many things besides the land still holds its sway. These well marked and isolated regions were never typical of the South, but their geographical location has caused much misapprehension.

It appears then that the conservative character of the Southern people and the peaceful course of ordinary life among them account for their failure hitherto to set up physical agencies to control themselves. Until social and economic conditions were radically changed their trust in themselves was not unjustified. There is no reason to be-

lieve that they are more excitable and vengeful than other people, or that brutal crime is more heinous in their eyes than in the eyes of others. It is indeed possible that the horror it causes among them is more general. For in rural regions and small cities and towns people are apt to know each other more intimately than elsewhere. In the South this intimacy is promoted by the homogeneity of the population. There are relatively few strangers and transient sojourners; immigration has been small; and all the residents of a community are apt to be well acquainted. What happens to one is therefore a matter of close concern to all. Men may be mightily unmoved by a wrong done to a stranger and yet be deeply stirred by the same thing in the case of a friend or acquaintance. Through their very cordiality and hospitable habits and the neighborly life they lead the Southern people are peculiarly exposed to a keen and vivid sensitiveness to the horror of crime among them. This explains the seeming paradox that lynching occurs as frequently in a peaceful community as elsewhere; indeed, the more peaceful the people and the more orderly the life, the greater will be the horror and excitement. But the South is not unique in this regard. Its distinctive weakness lies in its failure to adapt its institutions to social changes that in this generation have grown constantly more apparent.

It should be emphasized that such fury is no respecter of race or color. It is true that more negroes than white men are lynched in the South, so many more indeed as to explain the belief that race prejudice is the cause of the evil. But in truth the disparity grows out of the fact that the kind of crimes that provoke lynching are more often committed by negroes than by white men. This may be said without disparagement of the negroes as a race, with no reflection upon their docility, their amiable good nature, their efforts to attain a higher standard, the creditable success of those efforts in the past and their prospect for the future. For it is not because they are negroes that more of the brutal criminals are black than white; it is because in the South more black men are exposed to the conditions and forces that make men criminal. In every society crimes of lust, degeneracy or hatred predominate in the poorest class of the population. Ignorance and squalor and vice and crime and poverty and disease of body and soul are commonly found together. Certainly not all poor men are criminals, nor are

all criminals poor. None the less, the close connection between crime and ignorance and want is too well known to need discussion. Furthermore, it is with members of this class that the controlling influence of public opinion is weakest. When the ties of home and property are lacking, when there is no established position of respectability to be maintained, when one's usual associates and acquaintances are already the lowest in the social scale, what is to be lost by offending public opinion? Conviction for crime can carry no degradation to one already at the bottom, and the fear of physical punishment is the only deterrent to wrongdoing.

Now, the poor we have always with us. There is no known society without its squalid and ignorant class. But in most regions this class is not distinguished by race and color from the class above it, whereas in the South the class of the very poor is still composed for the most part of negroes. That it contains no small number of depraved whites may be freely admitted. Also it should be emphasized that it does not contain more than a small part of the colored race, a race that as a whole has made in fifty years a progress in civilization that has never before been achieved in the same time by any people in history. But it was inevitable that in this swift progress many weak and unfortunate members must be left behind. In the advance from the verge of barbarism to an appreciation of law and order and decency there were obstacles that many members of the race could not overcome. Since these could not go forward, they went backward; and it is they who mainly compose the worst class of the Southern population. It is in this fact that we find the true explanation of the greater number of negroes that are lynched.

It is, then, not against the race but against the criminal that the fury of the mob is directed. But before this fury any negro is in one respect at a disadvantage. Suspicion falls upon him more readily than upon a white man, because the negro belongs to the race with the larger proportion of ignorance and delinquency. Even a half frenzied mob requires strong evidence before it imputes to a white man the guilt of a heinous crime, because such crimes are more likely to be committed by the depraved members of the poorer race. For this reason it very seldom happens that an innocent white man is lynched, while it is a lamentable truth

that innocent negroes are sometimes done to death with every accompaniment of gruesome torture. But while the mob is quicker to impute crime to a black man than to a white, it is still the individual and not the race that moves it to violence. This is no mere distinction without a difference: it is an expression of the fact that crime and not color is the incentive to lynchings. It would be false to say that race prejudice does not exist in the South. It would be equally false to say that it does not exist wherever two races with strongly marked differences inhabit the same territory. At the same time lynching in the South is not always one of its manifestations.

But even when race prejudice has not caused lynching, it seems certain that lynching has greatly increased race prejudice. For it is not unnatural that the greater frequency of negro lynchings should be attributed to race hatred by those that do not understand its cause, and among these are the greater part of the negroes themselves. A continuation of the practice, therefore, will inevitably widen the gulf between white and black and inflame the resentment of the negroes by increasing their feeling of injustice and discrimination. Indeed, already it has had this effect in no small degree. It has weakened their respect for the white man's law to see the white man himself set it at defiance. It gives them a grievance under which they withdraw further from the white man's influence, attach less value to his good opinion, are less willing to coöperate with him for the maintenance of law and decency and the promotion of the general public welfare.

At the same time it has tended to demoralize the white race and to affect its attitude towards the negroes. Whenever men with a standard of respectability to maintain transgress the bounds of decency, they seek palliation and excuse. When a man who is usually temperate becomes drunk and disorderly, he tries to shift the blame to his associates or the conditions that led to his lapse. In the same way lynching mobs try to justify their deeds by fixing the blame on their victims. To do this they point to the prevalence of crime among the negroes, their bestial propensities, their lack of moral sense, their inaccessibility to the motives that control a white man's conduct. They argue that the ordinary procedure of the courts is too slow and orderly and decent to act as a deterrent to such a race, and that the only effec-

tive preventive of crime among them is a vengeance so swift and ghastly as to fill the soul with dread. This sort of reasoning, adopted by the perpetrators of a lynching to soothe their own sense of shame after defying the law, ends by convincing them and their friends that the negro race is in truth too vile to be treated as other human beings. Thus an act that was really caused by the crime of an individual results in widening the breach between the races; it makes easier its own repetition; and sometimes even prepares the way for genuine race riots.

The futility of the reasoning is obvious to those who know how mob violence is precipitated. It is not the thoughtful action of men who aim to protect society; it is an uncontrolled outburst of passion. Yet as a matter of historical interest it may be noted that it is to the claim made for it as a preventive that "lynch law" owes its name.

Charles Lynch, whose name has been thus unjustly defamed, was an honorable Quaker gentleman, a justice of the peace in Bedford County, Virginia, and a gallant officer in the Revolutionary militia. In 1780, when his State was threatened with invasion by Cornwallis, Lynch discovered a Tory conspiracy to seize certain stores that had been collected in his county for the American army under General Greene. As justice of the peace he had the conspirators arrested and confined till the danger was ended by the reverse to Cornwallis at Guilford Court House. When the war was over the men arrested threatened to sue him for damages, on the ground that he had overstepped his powers as a mere county official. But Lynch, who was then a member of the State Legislature, succeeded in getting through it an act to the effect that:

Whereas divers evil disposed persons in the year 1780 formed a conspiracy and did actually attempt to levy war against the commonwealth, and it is represented to the present General Assembly . . . that Charles Lynch and other faithful citizens, aided by detachments of volunteers from different parts of the State, did by timely and effectual measures suppress such conspiracy, and whereas the measures taken for that purpose may not be strictly warranted by law, although justifiable from the imminence of the danger,

Be it therefore enacted, that the said Charles Lynch and all other persons whatsoever concerned in suppressing the said conspiracy or in advising, issuing, or exacting any orders or measures taken for that purpose, stand indemnified and exonerated from all pains,

penalties, prosecutions, actions, suits and damages on account thereof. . . .

The principle expressed in the preamble of this act, that measures not strictly warranted by law may be justifiable from the imminence of the danger, was the distinctive feature of "Lynch's Law." It is by appealing to it that modern "lynchers" seek to mitigate their shame in the eyes of mankind. The fallacy in their appeal is too obvious for comment.

It is impossible to say with confidence that lynchings are becoming either more or less frequent with the passing years. There seems to be a very general belief that conditions are improving, but safe grounds for the belief are not easy to find. Conditions differ very widely in different parts of the South. Statistics derived from different sources also differ, and none of them is altogether trustworthy. The best appear to be merely a list of the cases found by individual observers in the newspapers; others are the result of estimate or pure guessing. In an open letter to college men the University Commission on Southern Race Questions reports a "decrease in the average annual number of lynchings from 171 for the decade 1886-1895 to 70 for the decade 1906-1915." But no explanation is given as to how these very definite figures were ascertained, and it is hardly too much to say that, for the first decade at least, any approach they make to accuracy is purely accidental. For several years the head of the department of records and research at Tuskegee has compiled such facts about lynchings as he could gather. He reports 52 lynchings for the year 1914, 69 for 1915, and 54 for 1916.

Much confusion arises from the difficulty of determining just what constitutes a lynching. Many a desperate or panic-stricken fugitive has been shot to death by volunteer search parties before he is actually captured. Especially is this apt to occur with a white desperado, who usually offers more resistance than a negro, and it accounts in part for the race discrepancy in the number of lynchings. Occasionally such parties are called out by the sheriff, usually they are purely volunteer; sometimes they are disguised as white caps or night riders or maskers; more often they make no concealment of person or purpose. If they capture the fugitive and then kill him, the deed is commonly known as a lynching; if for safety or convenience, they kill him before he is captured,

it is not called a lynching. But whatever their procedure, their acts are in principle much the same as those of the typical lynchers.

Perhaps an explanation of the belief in improved conditions is to be found in the awakening of the Southern people to the importance of the economic and social changes that are taking place among them. The swift growth of urban districts with a greatly strengthened police system, whose influence reaches out into the adjacent country, the diversification of industry that brings a demand for more effective regulation, an altered social structure due to economic causes and composed of distinct classes with differing economic interests, the example of other regions which have already made the transition that is now under way in the South, the influence of schools and colleges and individual leaders of thought—these and other things have drawn attention to the need of measures for dealing with a wide group of interrelated problems. Many of these measures aim at the removal of conditions that promote crime. Reform schools, State institutions for the defective and delinquent, public hospitals and asylums for both races, well equipped boards of health, efficient organization of poor relief, enlightened methods of prison reform—in the adoption of these things and in the aid that is given to them the negro problem was never out of the mind of Southern legislatures. Other measures aim more directly at control. There is a marked tendency to increase the powers of the State governments. They share at least equally with the localities in the support and control of public education. Local option seems to be nearly everywhere giving way to State-wide prohibition. In most States the assessment and collection of taxes is under the strict supervision of the State. State regulation of banks, public utilities and other corporations has been extended to include many kinds of unincorporated business and individual activities. All signs indicate that the Southern people are becoming decidedly “governmentish”—to use a word of William Penn. They are trusting less to self-control and public opinion and relying more on government control and statute law. There are many who believe that the change will not be for the better. Be that as it may, it is as yet too recent and incomplete to forecast its effect on race conditions.

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